

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

Claims 1-57 are now pending in this application. Claims 29-57 are withdrawn from consideration. No claims have been added or cancelled and no new matter has been added.

### **I. Interview Summary**

Applicants appreciate the courtesy extended by Examiner Tran in conducting a telephone interview with the undersigned representative on March 15, 2006. During the interview, the examiner agreed that the Mehrabian et al. patent US 3,951,651 (cited in the present office action) and the Mehrabian et al. patent US 3,936,298 (cited in the prior office action) contain the same specification because US 3,936,298 is a divisional of US 3,951,651.<sup>1</sup> The undersigned representative explained that since the rejection over Mehrabian et al. US 3,936,298 made in the prior office action was withdrawn in the present office action, the rejection over Mehrabian et al. 3,951,651 should also be withdrawn because both patents have the same specification. The examiner requested that applicants submit the request to withdraw the rejection in writing.

Applicants note that in the prior telephone interview held on October 14, 2005, the examiner requested that applicants amend claim 1 by adding the term “only” before the term “liquid” to distinguish the claimed liquid metal from a semi-solid metal which contains a liquid phase. The examiner indicated that this amendment would be sufficient to overcome the 35 USC 103(a) rejection of claim 1 over Mehrabian et al. US 3,936,298. Therefore, the amendment filed on October 18, 2005 should also be sufficient to overcome the 35 USC 103(a) rejection of claim 1 over Mehrabian et al. US 3,951,651 because both Mehrabian patents have the same specification.

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<sup>1</sup> US Patent 3,936,298 is a divisional of US Application Ser. No. 379,990. US Application Ser. No. 379,990 issued as US Patent 3,951,651.

## **II. Rejoinder requested**

Claims 29-57 are withdrawn from consideration. Applicants respectfully request that claims 29-57 be rejoined with claim 1 upon allowance of claim 1.

## **III. The rejections should be withdrawn**

Claims 1, 2, 4-14 and 15-17 have been rejected under §103(a) as being obvious over Mehrabian (U.S. Patent Number 3,951,651) in view of Shibata (U.S. Patent Number 6,478,075) and further in view of Apelain (U.S. Patent Number 4,902,475).

As discussed in detail in the last response filed on October 18, 2005, none of the three references teach or suggest combining a separate first solid metal portion and a separate second liquid metal portion in a first chamber of an injection molding machine to form a semi-solid metal slurry, as recited in claim 1 of the present application. Thus, even if there is motivation to combine the three references, the combination would still not teach or suggest each claim limitation.

The rejection over Mehrabian et. al. US 3,951,651 in the present office action is improper for the same reason as the withdrawn rejection over Mehrabian et al. US 3,936,298 in the prior office action, because US 3,936,298 is a divisional of US 3,951,651 and the two Mehrabian et al. patents US 3,951,651 and US 3,936,298 contain the same specification.

Claims 3 and 18-28 have been rejected under §103(a) as being obvious over Mehrabian (U.S. Patent Number 3,951,651) in view of Shibata (U.S. Patent Number 6,478,075) and further in view of Apelain (U.S. Patent Number 4,902,475) and further in view of Nakao.

The rejection of the dependent claims should be withdrawn for the same reason as the rejection of claim 1 and for the additional reasons provided in the last response filed on October 18, 2005.

#### IV. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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By Leon Radomsky

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5300

Facsimile: (202) 672-5399

Leon Radomsky

Attorney for Applicant

Registration No. 43,445

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.